

104TH CONGRESS
2D SESSION

S. 1720

AN ACT

To establish the Nicodemus National Historic Site and the
New Bedford National Historic Landmark.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **TITLE I—NICODEMUS NATIONAL**
2 **HISTORIC SITE**

3 **SEC. 101. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—Congress finds that—

5 (1) the town of Nicodemus, in Kansas, has na-
6 tional significance as the only remaining western
7 town established by African-Americans during the
8 Reconstruction period following the Civil War;

9 (2) the town of Nicodemus is symbolic of the
10 pioneer spirit of African-Americans who dared to
11 leave the only region they had been familiar with to
12 seek personal freedom and the opportunity to de-
13 velop their talents and capabilities; and

14 (3) the town of Nicodemus continues to be a
15 viable African-American community.

16 (b) PURPOSES.—The purposes of this title are—

17 (1) to preserve, protect, and interpret for the
18 benefit and enjoyment of present and future genera-
19 tions, the remaining structures and locations that
20 represent the history (including the settlement and
21 growth) of the town of Nicodemus, Kansas; and

22 (2) to interpret the historical role of the town
23 of Nicodemus in the Reconstruction period in the
24 context of the experience of westward expansion in
25 the United States.

1 **SEC. 102. DEFINITIONS.**

2 In this title:

3 (1) HISTORIC SITE.—The term “historic site”
4 means the Nicodemus National Historic Site estab-
5 lished by section 103.

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 **SEC. 103. ESTABLISHMENT OF NICODEMUS NATIONAL HIS-**
9 **TORIC SITE.**

10 (a) ESTABLISHMENT.—There is established the
11 Nicodemus National Historic Site in Nicodemus, Kansas.

12 (b) DESCRIPTION.—

13 (1) IN GENERAL.—The historic site shall con-
14 sist of the First Baptist Church, the St. Francis
15 Hotel, the Nicodemus School District Number 1, the
16 African Methodist Episcopal Church, and the Town-
17 ship Hall located within the approximately 161.35
18 acres designated as the Nicodemus National Land-
19 mark in the Township of Nicodemus, Graham Coun-
20 ty, Kansas, as registered on the National Register of
21 Historic Places pursuant to section 101 of the Na-
22 tional Historic Preservation Act (16 U.S.C. 470a),
23 and depicted on a map entitled “Nicodemus Na-
24 tional Historic Site”, numbered 80,000 and dated
25 August 1994.

1 (2) MAP AND BOUNDARY DESCRIPTION.—The
2 map referred to in paragraph (1) and an accom-
3 panying boundary description shall be on file and
4 available for public inspection in the office of the Di-
5 rector of the National Park Service and any other
6 office of the National Park Service that the Sec-
7 retary determines to be an appropriate location for
8 filing the map and boundary description.

9 **SEC. 104. ADMINISTRATION OF THE HISTORIC SITE.**

10 (a) IN GENERAL.—The Secretary shall administer
11 the historic site in accordance with—

12 (1) this title; and

13 (2) the provisions of law generally applicable to
14 units of the National Park System, including the Act
15 entitled “An Act to establish a National Park Serv-
16 ice, and for other purposes”, approved August 25,
17 1916 (16 U.S.C. 1 et seq.), and the Act of August
18 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461
19 et seq.).

20 (b) COOPERATIVE AGREEMENTS.—To further the
21 purposes specified in section 101(b), the Secretary may
22 enter into a cooperative agreement with any interested in-
23 dividual, public or private agency, organization, or institu-
24 tion.

25 (c) TECHNICAL AND PRESERVATION ASSISTANCE.—

1 (1) IN GENERAL.—The Secretary may provide
 2 to any eligible person described in paragraph (2)
 3 technical assistance for the preservation of historic
 4 structures of, the maintenance of the cultural land-
 5 scape of, and local preservation planning for, the
 6 historic site.

7 (2) ELIGIBLE PERSONS.—The eligible persons
 8 described in this paragraph are—

9 (A) an owner of real property within the
 10 boundary of the historic site, as described in
 11 section 103(b); and

12 (B) any interested individual, agency, or-
 13 ganization, or institution that has entered into
 14 an agreement with the Secretary pursuant to
 15 subsection (b).

16 **SEC. 105. ACQUISITION OF REAL PROPERTY.**

17 (a) IN GENERAL.—Subject to subsection (b), the Sec-
 18 retary is authorized to acquire by donation, exchange, or
 19 purchase with funds made available by donation or appro-
 20 priation, such lands or interests in lands as may be nec-
 21 essary to allow for the interpretation, preservation, or res-
 22 toration of the First Baptist Church, the St. Francis
 23 Hotel, the Nicodemus School District Number 1, the Afri-
 24 can Methodist Episcopal Church, or the Township Hall,

1 as described in section 103(b)(1), or any combination
2 thereof.

3 (b) LIMITATIONS.—

4 (1) ACQUISITION OF PROPERTY OWNED BY THE
5 STATE OF KANSAS.—Real property that is owned by
6 the State of Kansas or a political subdivision of the
7 State of Kansas that is acquired pursuant to sub-
8 section (a) may only be acquired by donation.

9 (2) CONSENT OF OWNER REQUIRED.—No real
10 property may be acquired under this section without
11 the consent of the owner of the real property.

12 **SEC. 106. GENERAL MANAGEMENT PLAN.**

13 (a) IN GENERAL.—Not later than the last day of the
14 third full fiscal year beginning after the date of enactment
15 of this Act, the Secretary shall, in consultation with the
16 officials described in subsection (b), prepare a general
17 management plan for the historic site.

18 (b) CONSULTATION.—In preparing the general man-
19 agement plan, the Secretary shall consult with an appro-
20 priate official of each of the following:

21 (1) The Nicodemus Historical Society.

22 (2) The Kansas Historical Society.

23 (3) Appropriate political subdivisions of the
24 State of Kansas that have jurisdiction over all or a
25 portion of the historic site.

1 (c) SUBMISSION OF PLAN TO CONGRESS.—Upon the
2 completion of the general management plan, the Secretary
3 shall submit a copy of the plan to—

4 (1) the Committee on Energy and Natural Re-
5 sources of the Senate; and

6 (2) the Committee on Resources of the House
7 of Representatives.

8 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to the De-
10 partment of the Interior such sums as are necessary to
11 carry out this title.

12 **TITLE II—NEW BEDFORD NA-**
13 **TIONAL HISTORIC LANDMARK**
14 **DISTRICT**

15 **SEC. 201. FINDINGS AND PURPOSES.**

16 (a) FINDINGS.—The Congress finds that—

17 (1) the New Bedford National Historic Land-
18 mark District and associated historic sites as de-
19 scribed in section 203(b) of this title, including the
20 Schooner Ernestina, are National Historic Land-
21 marks and are listed on the National Register of
22 Historic Places as historic sites associated with the
23 history of whaling in the United States;

24 (2) the city of New Bedford was the 19th cen-
25 tury capital of the world's whaling industry and re-

1 tains significant architectural features, archival ma-
2 terials, and museum collections illustrative of this
3 period;

4 (3) New Bedford's historic resources provide
5 unique opportunities for illustrating and interpreting
6 the whaling industry's contribution to the economic,
7 social, and environmental history of the United
8 States and provide opportunities for public use and
9 enjoyment; and

10 (4) the National Park System presently con-
11 tains no sites commemorating whaling and its con-
12 tribution to American history.

13 (b) PURPOSES.—The purposes of this title are—

14 (1) to help preserve, protect, and interpret the
15 resources within the areas described in section
16 203(b) of this title, including architecture, setting,
17 and associated archival and museum collections;

18 (2) to collaborate with the city of New Bedford
19 and with local historical, cultural, and preservation
20 organizations to further the purposes of the park es-
21 tablished under this title; and

22 (3) to provide opportunities for the inspirational
23 benefit and education of the American people.

24 **SEC. 202. DEFINITIONS.**

25 For the purposes of this title:

1 (1) The term “park” means the New Bedford
2 Whaling National Historical Park established by sec-
3 tion 203.

4 (2) The term “Secretary” means the Secretary
5 of the Interior.

6 **SEC. 203. NEW BEDFORD WHALING NATIONAL HISTORICAL**
7 **PARK.**

8 (a) ESTABLISHMENT.—In order to preserve for the
9 benefit and inspiration of the people of the United States
10 as a national historical park certain districts structures,
11 and relics located in New Bedford, Massachusetts, and as-
12 sociated with the history of whaling and related social and
13 economic themes in America, there is established the New
14 Bedford Whaling National Historical Park.

15 (b) BOUNDARIES.—(1) The boundaries of the park
16 shall be those generally depicted on the map numbered
17 NAR-P49-80000-4 and dated June 1994. Such map
18 shall be on file and available for public inspection in the
19 appropriate offices of the National Park Service. In case
20 of any conflict between the descriptions set forth in sub-
21 paragraphs (A) through (D) and such map, such map
22 shall govern. The park shall include the following:

23 (A) The area included within the New Bedford
24 National Historic Landmark District, known as the
25 Bedford Landing Waterfront Historic District, as

1 listed within the National Register of Historic Places
2 and in the Massachusetts State Register of Historic
3 Places.

4 (B) The National Historic Landmark Schooner
5 Ernestina, with its home port in New Bedford.

6 (C) The land along the eastern boundary of the
7 New Bedford National Historic Landmark District
8 over to the east side of MacArthur Drive from the
9 Route 6 overpass on the north to an extension of
10 School Street on the south.

11 (D) The land north of Elm Street in New Bed-
12 ford, bounded by Acushnet Avenue on the west,
13 Route 6 (ramps) on the north, MacArthur Drive on
14 the east, and Elm Street on the south.

15 (2) In addition to the sites, areas and relics referred
16 to in paragraph (1) , the Secretary may assist in the inter-
17 pretation and preservation of each of the following:

18 (A) The southwest corner of the State Pier.

19 (B) Waterfront Park, immediately south of land
20 adjacent to the State Pier.

21 (C) The Rotch-Jones-Duff House and Garden
22 Museum, located at 396 County Street.

23 (D) The Wharfinger Building, located on Piers
24 3 and 4.

1 (E) The Bourne Counting House, located on
2 Merrill's Wharf.

3 **SEC. 204. ADMINISTRATION OF PARK.**

4 (a) IN GENERAL.—The park shall be administered by
5 the Secretary in accordance with this title and the provi-
6 sions of law generally applicable to units of the national
7 park system, including the Act entitled “An Act to estab-
8 lish a National Park Service, and for other purposes”, ap-
9 proved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2,
10 3, and 4) and the Act of August 21, 1935 (49 Stat. 666;
11 16 U.S.C. 461–467).

12 (b) COOPERATIVE AGREEMENTS.—(1) The Secretary
13 may consult and enter into cooperative agreements with
14 interested entities and individuals to provide for the pres-
15 ervation, development, interpretation, and use of the park.

16 (2) Any payment made by the Secretary pursuant to
17 a cooperative agreement under this subsection shall be
18 subject to an agreement that conversion, use, or disposal
19 of the project so assisted for purposes contrary to the pur-
20 poses of this title, as determined by the Secretary, shall
21 result in a right of the United States to reimbursement
22 of all funds made available to such project or the propor-
23 tion of the increased value of the project attributable to
24 such funds as determined at the time of such conversion,
25 use, or disposal, whichever is greater.

1 (c) NON-FEDERAL MATCHING REQUIREMENTS.—(1)

2 Funds authorized to be appropriated to the Secretary for
3 the purposes of—

4 (A) cooperative agreements under subsection
5 (b) shall be expended in the ratio of one dollar of
6 Federal funds for each four dollars of funds contrib-
7 uted by non-Federal sources; and

8 (B) construction, restoration, and rehabilitation
9 of visitor and interpretive facilities (other than an-
10 nual operation and maintenance costs) shall be ex-
11 pended in the ratio of one dollar of Federal funds
12 for each one dollar of funds contributed by non-Fed-
13 eral sources.

14 (2) For the purposes of this subsection, the Secretary
15 is authorized to accept from non-Federal sources, and to
16 utilize for purposes of this title, any money so contributed.
17 With the approval of the Secretary, any donation of prop-
18 erty, services, or goods from a non-Federal source may
19 be considered as a contribution of funds from a non-Fed-
20 eral source for the purposes of this subsection.

21 (d) ACQUISITION OF REAL PROPERTY.—For the pur-
22 poses of the park, the Secretary may acquire only by dona-
23 tion lands, interests in lands, and improvements thereon
24 within the park.

1 (e) OTHER PROPERTY, FUNDS, AND SERVICES.—The
2 Secretary may accept donated funds, property, and serv-
3 ices to carry out this title.

4 **SEC. 205. GENERAL MANAGEMENT PLAN.**

5 Not later than the end of the second fiscal year begin-
6 ning after the date of enactment of this Act, the Secretary
7 shall submit to the Committee on Resources of the House
8 of Representatives and the Committee on Energy and
9 Natural Resources of the Senate a general management
10 plan for the park and shall implement such plan as soon
11 as practically possible. The plan shall be prepared in ac-
12 cordance with section 12(b) of the Act of August 18, 1970
13 (16 U.S.C. 1a–7(b)) and other applicable law.

14 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—Except as provided in subsection
16 (b), there are authorized to be appropriated such sums
17 as may be necessary to carry out annual operations and
18 maintenance with respect to the park.

19 (b) EXCEPTIONS.—In carrying out this title—

20 (1) not more than \$2,000,000 may be appro-
21 priated for construction, restoration, and rehabilita-
22 tion of visitor and interpretive facilities, and direc-
23 tional and visitor orientation signage;

1 (2) none of the funds authorized to be appro-
2 priated by this title may be used for the operation
3 or maintenance of the Schooner Ernestina; and

4 (3) not more than \$50,000 annually of Federal
5 funds may be used for interpretive and educational
6 programs for the Schooner Ernestina pursuant to
7 cooperative grants under section 204(b).

Passed the Senate May 2, 1996.

Attest:

Secretary.

104TH CONGRESS
2D SESSION

S. 1720

AN ACT

To establish the Nicodemus National Historic Site
and the New Bedford National Historic Landmark.